

Appl. No. 10/737,310
Amdt. Dated October 5, 2005
Reply to Office Action of July 14, 2005

• • REMARKS/ARGUMENTS • •

The Office Action of July 14, 2005 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, the Title of the Invention has been changed in the manner courteously suggested by the Examiner.

Also by the present amendment independent claim 5 has been amended to recite "skin-contactable sheets" consistently throughout the claims. In addition, claim 5 has been amended to recite that the liquid-absorbent panel is attached to said base sheet.

These changes are responsive to the issues raised by the Examiner on pages 2 and 3 of the Office Action.

Independent claim 5 has further been amended to recite that the fixed surface areas are located at longitudinal ends of the skin-contactable sheets and that the skin-contactable sheets are exclusively attached to the skin-contactable surface of the undergarment at the fixed surface areas.

Support for this change to independent claim 5 can be readily found in the drawings, for example Figs. 1 and 3.

Entry of the changes to the Title of the Invention and the claims is respectfully requested.

Claims 5-7 are pending in this application.

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Claims 5-7 stand rejected under 35 U.S.C. §112, first paragraph.

Under this rejection the Examiner noted that there was no basis for the previous recitation in claim 5 of "a liquid absorbent panel attached to base sheet and lying on said skin contactable surface."

In response to this rejection, claim 5 has been changed to recite that the liquid-absorbent panel is attached to said base sheet.

This change is believed to overcome the rejection of the claims under 35 U.S.C. §112, first paragraph.

Claims 5 and 6 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,497,693 to Otsubo.

For the reasons set forth below it is submitted that all of the pending claims are allowable over Otsubo and therefore, the outstanding rejection of the claims should proper be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Otsubo as teaching:

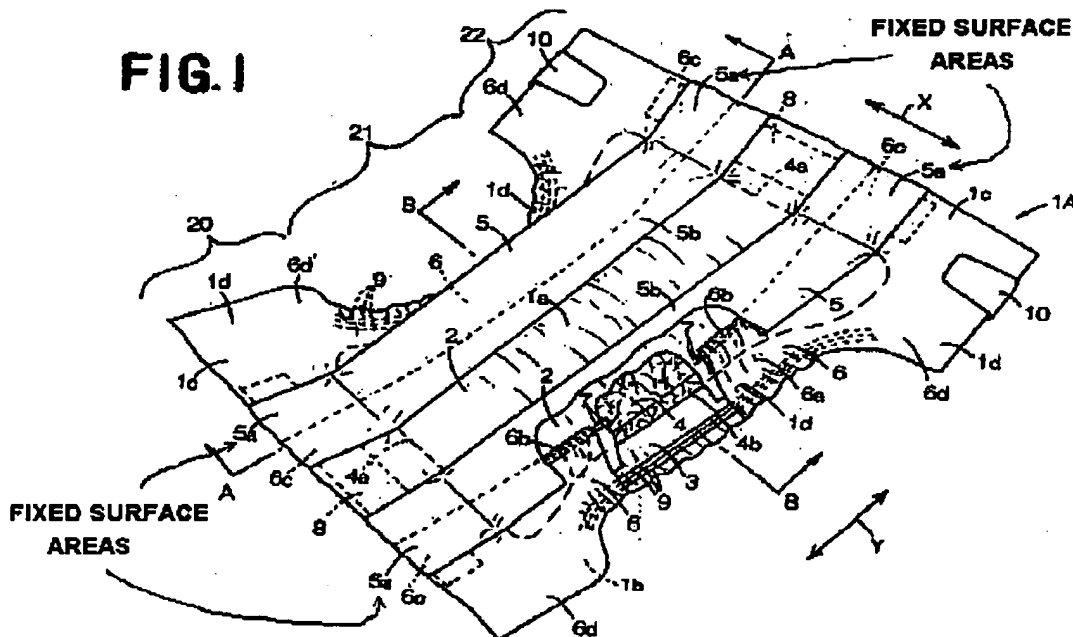
- a disposable undergarment (1) comprising:
 - a skin-contactable surface (2);
 - a non skin-contactable surface (outer surface of (3)) opposed to said skin-contactable surface (2);
 - a liquid-impervious base sheet (3) contoured by longitudinally opposite portions (22) extending in a transverse direction and transversely opposite side edge portions (6a) extending in a longitudinal direction (Y);
 - a liquid-absorbent panel (4) attached to said base sheet (3); and
 - skin-contacting sheets (6) attached under tension in said longitudinal direction (Y) to said skin-contactable surface (2) of said undergarment (1) so as to cover said liquid-absorbent panel (4), said skin-contactable sheets (6) being stretchable in said

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longitudinal direction (Y) and substantially liquid-impervious, said skin-contactable sheets (6) having fixed surface areas (6c) secured to said longitudinally opposite end portions (22) and free surface areas extending (6a) between said fixed surface areas (6c), which free surface areas (6a) are not fixed to said undergarment (1) so as to be spaced upward from said liquid-absorbent panel (4) as said undergarment (1) curves in said longitudinal direction (Y) with its skin-contactable surface (2) inside, said skin-contactable sheets (6) are being made of a non-stretchable fibrous nonwoven fabric and elastically stretchable members (7) are being attached under tension in said longitudinal direction (Y) to said non-stretchable fibrous fabric so that said skin-contactable sheets (6) may have a stretchability in said longitudinal direction (Y) (figure 1).

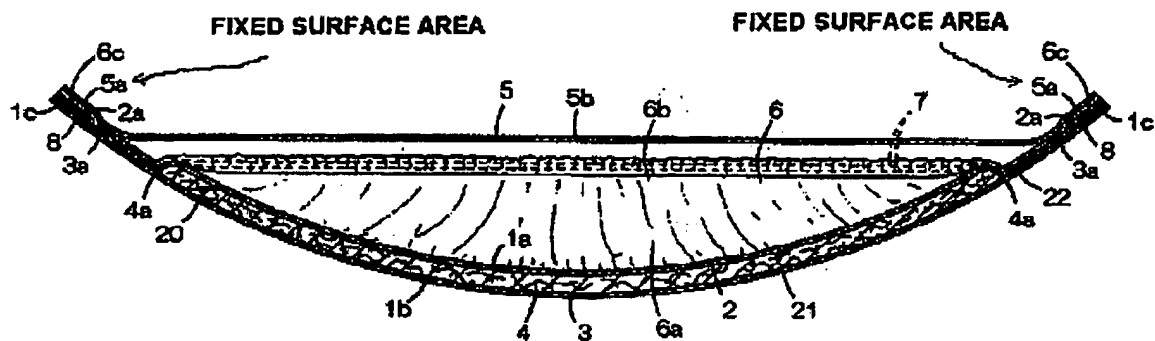
Applicant's claimed invention requires, in part, that the skin-contactable sheets are exclusively attached to the skin-contactable surface of the undergarment at the fixed surface areas.

This structure is shown in Figs. 1 and 3, *et seq.*:



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FIG. 3



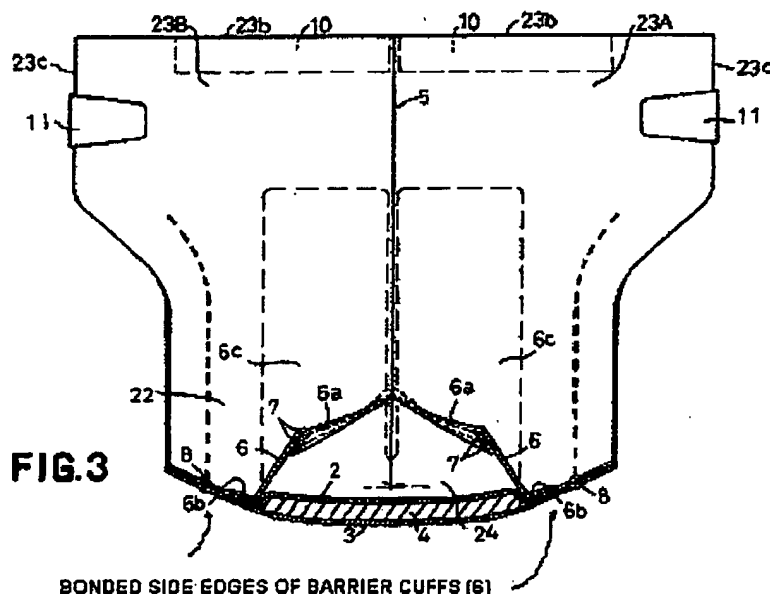
In contrast to applicant's invention, the cuffs 6 of Otsubo (construed by the Examiner as being applicant's claimed skin-contactable sheets) are attached to side edges of the undergarment.

As expressly taught at column 4, lines 29-36:

The barrier cuffs 6 have their proximal side edges 6b bonded to the upper surface of the topsheet 2 and their longitudinal ends 6c extending in the rear waist regions 22 as well as in the wing 23 are bonded to the upper surface of the topsheet 2 so that these ends 6c may be held to collapse inward of the undergarment 1 onto the upper surface of the topsheet 2.

The structure is shown in Fig. 3 of Otsubo:

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As the Examiner can appreciate, whereas the structure claimed in applicant's invention allows the skin-contactable sheets to be spaced apart from the underlying structure of the garment, including the side edges of the skin-contactable sheets, Otsubo teaches and requires a structure in which the side edges of the cuffs 6 are secured to the undergarment to form an enclosed area 24.

Based upon the above distinctions between Otsubo and the present invention, and the overall teachings of Otsubo, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon Otsubo as required under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicant's claimed invention.

It is, therefore, submitted that any reliance upon Otsubo as would be improper inasmuch as Otsubo does not remotely anticipate, teach, suggest or render obvious the present invention.

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It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is not novel and neither anticipated nor obvious over the teachings of Otsubo and the outstanding rejection of the claims should hence be withdrawn.

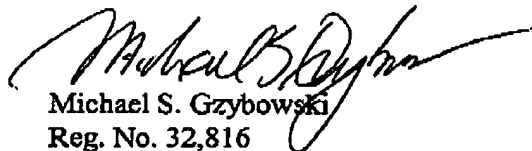
Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,


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